

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MICHAEL E. SCHMALTZ,

Plaintiff,

v.

MICHAEL K. SCHMITZ, et al.

Defendants.

No. 4:24-cv-01510-HEA

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on the motion of self-represented plaintiff Michael Schmaltz for leave to commence this civil action without prepayment of the required filing fee. Having reviewed the financial information submitted in support, the Court finds that the motion should be granted. Plaintiff's removal of his state court case to this Court is deficient, however, because he has not included the entire state court record. Although he submitted 159 pages of the state court record, he has not submitted the Petition he filed in state court. Because the Court cannot conduct an initial review the case under 28 U.S.C. § 1915(e)(2)(B) without the operative Petition, it will order plaintiff to file it within fourteen days.


Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for leave to proceed in forma pauperis is **GRANTED**. [ECF No. 2]

**IT IS FURTHER ORDERED** that plaintiff shall file the state court Petition within fourteen (14) days.

**IT IS FURTHER ORDERED** that plaintiff's failure to timely respond to this Opinion, Memorandum and Order will result in a dismissal of this action, without prejudice.

Dated this 21<sup>st</sup> day of November, 2024.

  
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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE